IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.19390 of 2003
Date of decision: 12.7.2007

Smt. Charanjit Kaur.

-----Petitioner

Vs.

State of Punjab and others.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. A.S. Nabhewala, Advocate
for the petitioner.

Mr. Suvir Sehgal, Addl. Advocate General, Punjab.
for respondent Nos.1 to 3.

Mr. Rohit Ahuja, Advocate
for respondent No.4.

Adarsh Kumar Goel, J.

This petition seeks direction for release of pension and pensionary benefits to the petitioner.

Case of the petitioner is that she was appointed as J.B.T. teacher on 1.2.1989 for six months. She continued without any break upto 2.10.1992 when her services were regularized. She retired on 31.7.2001. She represented that pension be paid in view of D.B.

judgment of this Court in ***Hardip Singh and another v. State of Punjab and another*** 2003(4) SCC 691, but this prayer was not accepted. In the reply filed, stand taken on behalf of the State of Punjab is that qualifying service for pension commences from the date of contribution by an employee towards CPF under Rule 6(6) framed for the Privately Managed Recognised Aided Schools. Contribution of the petitioner to CPF started on 2.10.1992. The petitioner did not complete 10 years' service, which was required for grant of pension. The judgment relied upon was distinguishable on the ground that the same related to employees of the State Government, while the petitioner was an employee of an aided institution and not of the State Government.

It remains undisputed that the rules applicable for grant of pension to the employees of the State Government have been made applicable to the employees of privately managed recognized aided schools (as stated in para 11 of the petition/reply). While interpreting the said rules, Full Bench of this Court in ***Kesar Chand v. State of Punjab and others*** AIR 1988 Punjab & Haryana 265 held that once services of a work-charge employee are regularized, there is no logic to deprive him of the pensionary benefits available to other public servants. Even the temporary or officiating service of the Government has to be reckoned for determining the qualifying service.

Learned counsel for the respondents are unable to dispute the applicability of the Full Bench judgment ***Kesar Chand*** *(s*upra) to the present case.

In view of Full Bench judgment of this Court, we are of the view that case of the petitioner is required to be re-considered.

We, accordingly, allow this petition and direct that claim of the petitioner be re-considered in accordance with law within three months from the date of receipt of a certified copy of this order.

(ADARSH KUMAR GOEL)
JUDGE

July 12, 2007 **(AJAI LAMBA)**
ashwani **JUDGE**